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258 Ill. 183, 101 N. E. 255. Since a stockholder of a corporate executor has a contract right in the profits of the executor, it is natural that he should be considered incompetent. But the purpose of statutes like that in the principal case is to prevent the interest of a witness from invalidating a will; and it would seem better to hold it applicable to all witnesses formerly disqualified by interest. See *Jones* v. *Grieser*, 238 Ill. 183, 188, 87 N. E. 295, 296; *Winslow* v. *Kimball*, 25 Me. 493, 495. But some states seem to consider the statutes applicable only where the interest of the witness comes directly from the will. So a witness who is spouse of a legatee has not been allowed to testify. *Fisher* v. *Spence*, 150 Ill. 253, 37 N. E. 314; *Sullivan* v. *Sullivan*, 106 Mass. 474. And in Illinois the statute has been held not to make competent a witness who has a subsisting contractual right to the profits of the executor of a will. *Smith* v. *Goodell*, *supra*. According to these cases it would seem that the stockholder in the principal case, being only a debtor of the executor, would have only an indirect interest in the will, and would not be made a valid witness by the statute.

BOOK REVIEWS

THE NEUTRALITY OF BELGIUM. By Alexander Fuehr. New York: Funk and Wagnalls Co. 1915. pp. x, 1–248.

BELGIUM NEUTRAL AND LOYAL. By Emile Waxweiler. New York: G. P. Putnam's Sons. 1915. pp. xi, 1–324.

These two are among the better of those books presented to show the national point of view in regard to the neutrality of Belgium. The first shows the German attitude and the second presents the Belgian point of view. Dr. Fuehr purports to "take as his task only to investigate Germany's case with regard to" the invasion of Belgium. In the first part of the book he presents what is now a well-known history of Belgium's neutrality down to August, 1914. In the second part the legal aspects of Belgium's neutrality are considered. There are in this book many statements for which at present absolute verification seems not to be available; and in the two books identical documents receive opposite interpretation. There is also a tendency to cite only those documents which support the German theory. He even maintains that "taking into consideration fundamental political changes wrought by events since 1870" the guarantee of Belgium's neutrality could not be held to be valid at the outbreak of the present war because of the implied condition in negotiation of treaties, *rebus sic stantibus*. Referring to the agreement of 1870 between Great Britain and France and between Great Britain and Prussia that Great Britain would act on the side of one or the other of these powers against one or the other which might violate the neutrality of Belgium, Dr. Fuehr states that this agreement of Great Britain constitutes "an affirmation that England did not then consider the treaties of 1839 as binding." He cites statements of a military attaché as offsetting those officially made by a minister of foreign affairs. In mentioning the German demand for the privilege of passing over Belgian territory, he says, after referring to the passage of French troops through Prussia in 1805, "in a similar manner, King Albert of the Belgians might have acted in 1914, following the example set by his grandfather, who, in a situation far more painful to Belgian pride, declared to the powers in 1831 that he 'yielded to the imperious law of necessity.'" Dr. Fuehr also says that the fact that perpetual neutrality failed to afford Belgium adequate protection was not necessarily due to any fault of International Law but to the abuse of it. He

also states that it is open to doubt "whether Germany's invasion of Belgium, with no other object but a passage through her confines in order to reach the northern parts of France, and after formal assurances as to Belgium's independence and integrity had been given, constituted *ipso jure* a breach of Belgium's neutrality."

Such citations as above from what is entitled "The Legal Aspects of Belgium's Neutrality" clearly show the thesis the writer is endeavoring to maintain.

There are several valuable documents in the Appendix.

The book by Dr. Waxweiler, who was the director of the Solway Institute of Sociology at Brussels, claims "to clear up every doubt and furnish material for a considered judgment." This book has also appeared in French and German. It shows the peaceful penetration of Germans into the industrial, economic, and social life of Belgium, up to 7 P. M., August 2, 1914, also showing why, after considering the statements of Jagow and Bernhardi, King Albert of Belgium became an advocate of preparedness. He also shows that the German statement that if Belgium would maintain "friendly neutrality" Germany would at the conclusion of the war "guarantee the possessions and independence of the Belgium Kingdom in full," presumes a result of the war which Belgium could not in August, 1914, foretell. Then follow the well-known discussions of the statement of the German Chancellor that the entrance into Belgian territory by force was in violation of the law and that indemnities would be paid at the close of the war. The negotiations of the early days of the hostilities, including the "scrap of paper" incident, etc., are reviewed. Accusations and counter accusations are considered. The German rules of war and their application to Belgium form the concluding chapter. Manifestly it is too early, and the data is insufficient, to enable one who would form a just estimate of these contentions to come to a final judgment upon many of the matters considered in this book. In general, however, it may be said that the temper of the book is more moderate and the basis for the conclusions is more sound than in the work of Dr. Fuehr.

Like all books issued with the object of presenting the case for one or another party in the present struggle, there is an undue stress upon the positions which may be more advantageous to the side whose case is favored. This book has a brief appendix and also a convenient index. GEORGE GRAFTON WILSON.

THE COMMODITIES CLAUSE. By Thomas Latimer Kibler. Washington, D. C.: John Byrne & Company. 1916. pp. 178.

Into this legal-economic treatise Professor Kibler has condensed a great amount of interesting and valuable information as to the inevitable tendency to monopoly where railroad companies engage in any non-transportation business in competition with other shippers over their lines. Confining his discussion chiefly to the coal business and basing it upon the findings of the Interstate Commerce Commission and the facts disclosed in various suits brought by the federal government, he shows convincingly that the failure of this country to follow the example of Europe and to divorce transportation altogether from other enterprises has led to the monopolization by railroad companies of much the greater part of the anthracite and bituminous coal fields along their respective lines and that this process of monopolization is still going on.

His discussion of the Commodities Clause of the Interstate Commerce Act, passed in 1906 to remedy this situation, may be summarized as follows. In *United States* v. *Delaware & Hudson Co.*, 213 U. S. 366, the Supreme Court held that, despite the sweeping language of the act, nevertheless in view of its legislative history, it must be construed as not prohibiting a railroad company